

REFERENCE BOOK – STATUS UPDATE

A Report Prepared for the
Legislative Finance Committee

By
LFD Staff

June 8, 2010

Legislative Fiscal Division



www.leg.mt.gov/css/fiscal

This document contains an initial listing of options compiled by the Legislative Fiscal Division (LFD) for Legislative Finance Committee (LFC) review, direction, and comment, and eventually for legislative consideration in the 2011 Legislative Session to help balance the state's general fund budget.

BACKGROUND

As the Legislative Finance Committee (LFC) is very aware, the next legislative session will be a very challenging one due to the projected long-term imbalance between on-going revenues and on-going costs of maintaining current services of government. Figure 1 illustrates the projected imbalance in the 2013 biennium, as presented by the Legislative Fiscal Division (LFD) in March, 2010 in the preliminary Big Picture report. As of this writing, the division had not updated the assumptions used in that report.

Legislative Fiscal Division - General Fund Outlook				
Figures in Millions				
	2009 Biennium	2011 Biennium	2013 Biennium	Biennial \$ Change
Beginning Fund Balance	\$543.541	\$391.964	(\$63.035)	(\$454.999)
Revenue				
LFD Revenue Estimate	3,761.508	3,252.416	3,571.548	319.132
Total Funds Available	\$4,305.049	\$3,644.380	\$3,508.513	(\$135.867)
Disbursements				
General Appropriations - HB2	3,398.123	3,174.883	3,352.403	177.520
Statutory/Transfers	695.628	500.232	415.275	(84.957)
Other Appropriations	-	37.770	0.740	(37.030)
Feed Bill	-	13.537	13.027	(0.510)
Reversions	(164.732)	(12.298)	(3.883)	8.415
Total Disbursements	\$3,929.019	\$3,714.124	\$3,777.562	\$63.438
Fund Balance Adjustments	15.934	6.709	-	(6.709)
Ending Fund Balance Before Other Issues	\$391.964	(\$63.035)	(\$269.049)	(\$206.014)
Other Fiscal Issues				
Executive Spending Proposals	-	79.985	26.160	(53.825)
Executive Revenue Proposals	-	4.572	-	(4.572)
Federal Clawback	-	8.363	-	(8.363)
Legislative Spending Proposals	-	0.586	-	(0.586)
Judicial Spending Proposals	-	0.619	-	(0.619)
Current Service Level Impacts	-	-	(148.386)	(148.386)
Retirement Funding	-	-	(68.605)	(68.605)
Total Disbursements	3,929.019	3,625.776	3,968.393	\$342.617
Ending Fund Balance After Other Issues	\$391.964	\$31.090	(\$365.755)	(\$396.845)
Structural Balance Calculation			(\$396.845)	
Fiscal Policies Required to Achieve \$100 Million Balance			(\$465.755)	

Unlike previous fiscal crises, the most recent in the 2003 biennium, this downturn in revenues is not expected to self correct in the near future. Therefore, the legislature will be facing very difficult choices on what services state government should provide for its citizens, and how the revenue to fund those services will be raised.

Impetus for the Reference Book

At its March brainstorming session, the LFC discussed with staff it and the legislature's needs in light of the decisions facing the 2011 Legislature. The LFC asked staff to begin compiling options for legislative consideration and specifically requested three items:

- 1) A list of what other states were doing to address budget imbalances.
- 2) A list of tax credits currently offered by the State of Montana.
- 3) A list of general fund revenues currently earmarked to specific purposes.

The reference book contains each of the lists requested, and a large number of other options, both for reduced expenditures and enhanced revenues. The options do not constitute recommendations. The projected end product is for the legislature to have a wide-ranging list of expenditure and revenue options from which it can choose as it sees fit as it balances the 2013 biennium budget.

STAGE OF THE REFERENCE BOOK AND LFC OPPORTUNITY

Please note that this document is a work in progress. Options will continue to be refined and added until and through the 2011 Legislative Session. In addition, a number of options are still in the process of being defined and may prove to have limited utility and be dropped. Others will require significant additional work if actual savings and attendant issues are to be determined and they can be presented to the legislature in a form that allows for informed legislative decision making.

The document is being presented now to allow for initial LFC review and direction. At this meeting, the LFC has the opportunity to:

- 1) Provide staff with direction on whether to pursue certain options requiring significant additional resources both to aid in staff time priority setting and in determining whether the issues attendant on certain options are such that they do not warrant further staff time.
- 2) Determine whether the LFC wishes to begin the process of requesting committee bills to implement any options requiring statutory change.
- 3) Determine whether and to what purpose further and more detailed review of options will be done by subcommittees of the LFC, and who should participate in those reviews.
- 4) Continue strategic thinking on the role the LFC will play in the 2011 session and how the reference book will aid in that role.

Provide Staff with Direction

A number of the options are not complete and would require additional staff time. In some instances this additional time would be considerable. Given the limited availability of staff time, particularly in light of the upcoming budget analysis, there may be some options that the committee does not feel warrant spending that time. Other options requiring significant time may warrant reprioritization of staff time to complete. The committee may wish to discuss specific options the meet these criteria to provide feedback to staff.

Committee Bills

Some of the options presented would require statutory change. The committee may wish to request that some of these changes be included in a committee bill or bills. It would be most advantageous to only request a committee bill for those options the LFC knows at this time it will support during the session.

Further Review

The LFC may wish to have subcommittees of this and potentially other interim committees examine options in various areas in more detail than can reasonably be done during the scheduled LFC meetings. This approach would have several benefits:

- 1) Allow more in-depth review of the individual options by legislators.
- 2) Allow various members from each caucus to be very well informed of the issues and options.
- 3) Provide feedback that would aid staff in setting priorities during the budget analysis

Subcommittees could be constructed around the major issue areas of state government, including human services, corrections, education, and/or revenues. Each subcommittee could consist of 1 member from each of the 4 legislative caucuses from the LFC, with additional members from other committees, such as Education and Local Government, Law and Justice, Children and Families, and/or Revenue and Transportation.

Given limited staff time, the committees would need to complete any meetings before budget analysis begins in earnest at the end of September.

Continue Strategic Thinking

The LFC has had discussions of what role it will assume in the 2011 Legislative Session. The reference book and familiarity with choices both facing and available to the legislature can aid the LFC in making this determination through familiarization with the range of choices and the attendant difficulties within each general issue. This familiarization would help the committee to lead legislative discussions and aid in setting targets for subcommittee action if it wishes to do so. The LFC also has the opportunity to decide if it will support any single or group of options in the legislative session.

OPTIONS

The following attachments contain:

- 1) A listing of options currently identified by LFD staff.
- 2) A listing of actions taken by other states to address budget shortfalls.

OPTIONS IDENTIFIED BY STAFF

Staff has as of this writing identified 116 options for legislative consideration. There are a number of factors that should be kept in mind when examining the list.

- 1) The list is not evenly applied to all sections of the budget or of revenue, and there are currently "holes" in various areas. For example, there are significantly more options provided for K-12 education than for corrections. Staff is continuing work on these issues but some areas of the budget will have more complicated to analyze choices than others. There are option write-ups in DPHHS and corrections that include a discussion of the potential ramifications of taking further reductions.
- 2) The savings for the options are shown as a change from the "Current Service Level" included in the March Big Picture report and discussed in the March LFC meeting. For purposes of determining current level of service, the LFD included certain expenditures designated as one-time-only by the legislature but that, due to their on-going nature and the likelihood the legislature will be asked to continue funding, should be considered current service level. Therefore, included among the options are reductions to those expenditures even though they will not be included in the base budget used to build the 2013 biennium budget.
- 3) In order to make the list of manageable size for LFC review, staff generally identified only issues where the potential general fund savings was at least \$500,000, although there are some exceptions to this general rule. Therefore, the options weight heavily to major expenditure areas and statewide issues. Staff will continue to examine potential issues and will identify other smaller potential options in the 2013 biennium budget analysis. For many of the options, the actual fiscal impact is either unknown without additional work, or can only be estimated in a likely range. These options are designated with a \$0 in the impact boxes and explanation is provided in the description.
- 4) In a number of areas, the entirety of the current state expenditure or revenue is presented, with options for reducing a portion. Included in this listing are statutory appropriations, tax credits, revenue earmarks, and a number of other revenues and expenditures.
- 5) In some instances, the impact of changes in revenue policy is applied to a percentage increase, for example how much additional revenue would be realized through a 1 percent change. The legislature may then apply this amount to determine the percentage necessary to raise a desired level of revenue.
- 6) As stated, a number of options are incomplete and require additional work. Several of these options will be highlighted for LFC consideration and feedback on whether to proceed. As stated, the committee may wish to examine other options not specifically highlighted by staff.
- 7) A number of the options apply to a number of different functions. When that is the case, the option itself provides very general information, with detail provided in an appendix. There are two appendices:
 - A listing of general fund revenue allocations to other non-general funds
 - State special fund balances identified for possible transfer to the general fund. Staff is still identifying these balances and it is not a complete list.

Where is the Information Specifically Requested by the LFC

- Tax credits - #17 and #18 in the Statewide options section
- Earmarked revenues - #16 in the Statewide options section and Appendix A

OTHER STATES

The LFC also requested that staff research what steps other states have taken to reduce expenditures or increase revenues. This list is included under "Options by Other States to Close Budget Gaps" (attached). Staff has included various measures taken by other states in the reference book as applicable.

While the various states have applied a number of strategies for balancing budgets, the reductions identified weigh heavily toward general reductions. Consequently, the actual impact of the reductions is unknown without specific research and/or discussion with fiscal staff in those states.

LFC OPTIONS FOR FURTHER WORK

1. Does the LFC wish to form subcommittees for several major issue areas that would meet a maximum of two times prior to the end of September for the purpose of reviewing in more depth options for budget reductions in those areas? The following options are not mutually exclusive.
 - a. Appoint members to subcommittees to review in greater depth the various options and choices in several significant issue areas
 - b. Invite members of other appropriate legislative committees to appoint members to serve on the subcommittees
 - c. Give guidance to subcommittee members on the scope of subcommittee work
2. Does the LFC wish to provide feedback to staff on prioritization of work on any of the reference book options?
 - a. Advise staff to cease further work on selected options
 - b. Advise staff to make selected options requiring significant staff time a priority
 - c. Advise staff generally on how to proceed on selected options

APPENDIX A

Redistribute Revenue Allocations to the General Fund

SUMMARY OF ISSUE

There are a number of fees, taxes, and other revenue items that are deposited to the state general fund. Some of those revenue components are also distributed to non-general fund accounts to support other functions of state government. Based on an analysis prepared by the Legislative Fiscal Division (LFD), the general fund outlook for the 2013 biennium shows that revenues will be insufficient to fund present law services by approximately ten percent per year. One way to achieve a balance between revenues and expenditures is to reduce state general fund spending. If general fund funded agencies are required to reduce spending by ten percent, then those functions of government that receive an allocation of general fund revenues should reduce spending by a similar amount. This option would redistribute those revenues that currently are allocated to other state funds to the state general fund. The estimated impact is based on FY 2009 revenues allocated to non-general fund accounts of \$306,726,896 million. A significant portion of this revenue is currently distributed to local governments. This appendix provides some of the detail of those revenue sources that are allocated to the general fund and to other state accounts. The amounts shown in this appendix are based on allocations from FY 2009, doubled to represent a biennial impact. (total GF impact = \$61.3 million)

BUDGETARY IMPLICATIONS

Option: 10% reduction in revenue allocations to specific programs

Revenue Source: Cigarette Tax

Program: Long-Range Building Program

Relevant Statutes: 16-11-119

Funding Change (10%): GF-\$395,712, CPF-(\$395,712)

Program Implications/Comments:

The Long-Range Building Program (LRBP) receives an allocation of 2.6 percent of the cigarette tax. A 10% reduction (2.34%) in the cigarette tax allocation to the LRBP would create a \$395,712 increase in general fund and decrease in LRBP funds. "Normal" program funding for the LRBP (cigarette and coal severance taxes allocations, excluding interest earnings and fees) in the 2011 biennium was estimated to be \$15.1 million. As one component of "normal" program funding of the LRBP, the 10% reduction of cigarette tax revenue would represent a 2.6 percent reduction in funding.

With fixed costs in the form of non-reducible debt service for two bond issues (approximately \$6.6 million per biennia), a 10 percent reduction of the "normal" LRBP funding would reduce the funds available for major maintenance by more than 10 percent. This analysis suggests that the 10% reduction in all normal program revenues will result in a 17.6 percent reduction in funding for the major maintenance program.

The normal biennial program funding of \$15.1 million falls significantly short of one percent of building replacement value \$41.2 million¹, the recommended funding amount for major maintenance of state buildings. In the 2007 through 2011 biennia, the legislature provided state general fund transfers to the LRBP to increase the funding available for major deferred maintenance projects. During this period, progress has been made in addressing the backlog of deferred maintenance projects. Program funding reductions will cause renewed growth in the backlog.

Option: 10% reduction in revenue allocations to specific programs

Revenue Source: Coal Severance Tax

Program: Long-Range Building Program

¹ Analysis based on a preliminary estimate: 2009 inventory of total state building replacement value times 65% (estimated LRBP supported major maintenance responsibility). Additional work is underway to provide a more accurate estimate of LRBP replacement value responsibility. The major maintenance value is derived as follows: estimate of the replacement value for LRBP supported buildings in the state building inventory times the recommended annual major maintenance funding of 1% annually times two fiscal years for a biennial amount: (\$2,060,919,378*.01*2 = \$41,218,388)

Relevant Statutes: 15-35-108

Funding Change (10%): GF-\$1,189,539, CPF-(\$1,189,539)

Program Implications/Comments:

The Long-Range Building Program (LRBP) receives an allocation of 12 percent of the coal severance tax. A 10% reduction (10.8%) in the coal severance tax allocation to the LRBP would create a \$1.2 million increase in general fund and decrease in LRBP funds. "Normal" program funding for the LRBP (cigarette and coal severance taxes allocations, excluding interest earnings and fees) in the 2011 biennium was estimated to be \$15.1 million. As one component of "normal" program funding of the LRBP, the 10% reduction of coal severance tax revenue would represent a 9.2 percent reduction in funding.

With fixed costs in the form of non-reducible debt service for two bond issues (approximately \$6.6 million per biennia), a 10 percent reduction of the "normal" LRBP funding would reduce the funds available for major maintenance by more than 10 percent. This analysis suggests that the 10% reduction in all normal program revenues will result in a 17.6 percent reduction in funding for the major maintenance program.

The normal biennial program funding of \$15.1 million falls significantly short of one percent of building replacement value \$41.2 million², the recommended funding amount for major maintenance of state buildings. In the 2007 through 2011 biennia, the legislature provided state general fund transfers to the LRBP to increase the funding available for major deferred maintenance projects. During this period, progress has been made in addressing the backlog of deferred maintenance projects. Program funding reductions will cause renewed growth in the backlog.

Option: 10% reduction in revenue allocations to specific programs

Revenue Source: Coal Severance Tax

Program: Cultural and Aesthetic Grants Program

Relevant Statutes: 15-35-108(6)

Funding Change (10%): GF-\$62,451, SS-(\$62,451)

Program Implications/Comments:

The Cultural and Aesthetic Grants Program (C&A) receives an allocation of 0.63 percent of the coal severance tax, which is deposited in the cultural trust. A 10% reduction (0.567%) in the coal severance tax allocation to the C&A program would create a \$62,451 increase in general fund and decrease in cultural trust deposits. The allocations of the tax revenues increase the amount of the trust, which in turn increases the investment earnings realized. Those investment earnings are used for several purposes including funding a portion of the administration of the Montana Arts Council and the Folklife program, funding for works of art in the capitol complex (statutorily set at \$15,000/year), and funding the C&A grants program. A 10 percent reduction in the amount of tax deposited in the trust would lead to a reduction of approximately \$5,250 in interest earnings (assuming an average rate of return of 5.6%), or 0.4 percent reduction in overall program funding in the 2013 biennium.

Option: 10% reduction in revenue allocations to specific programs

Revenue Source: Oil and Natural Gas Tax

Program: Natural Resource Projects Fund

Relevant Statutes: 15-36-331(4(ii)), 15-38-302

Funding Change (10%): GF-\$322,979, SS-(\$322,979)

Program Implications/Comments:

The Natural Resource Project Fund (NRP) receives an allocation of 1.45 percent of the oil and natural gas tax. A 10% reduction (1.3%) in the oil and natural gas tax allocation to the NRP would create a \$322,979 increase in general fund and decrease in NRP funds. "Normal" program funding for the NRP (RIT interest and oil, RIGWA tax, and natural gas tax; excluding excess coal tax proceeds and fees) in the 2011 biennium was estimated to be \$11 million. As one

² Analysis based on a preliminary estimate: 2009 inventory of total state building replacement value times 65% (estimated LRBP supported major maintenance responsibility). Additional work is underway to provide a more accurate estimate of LRBP replacement value responsibility. The major maintenance value is derived as follows: estimate of the replacement value for LRBP supported buildings in the state building inventory times the recommended annual major maintenance funding of 1% annually times two fiscal years for a biennial amount: $(\$2,060,919,378 \times .01 \times 2 = \$41,218,388)$

component of "normal" program funding of the NRP, the 10% reduction of oil and natural gas revenue would represent a 2.9 percent reduction in funding. However, the impact of a ten percent reduction of oil and natural gas tax in the 2013 biennium would be even greater due to a statutory increase in the oil and natural gas tax allocation rate beginning June 11, 2011.

The NRP is used to fund a number of natural resource grant programs including the Renewable Resource Grant and Loan Program (RRGL), the Reclamation and Development Grant Program (RDGP), and to a smaller extent the Irrigation Development and Water Project Private Grant Programs. Most of the grant funds are distributed to local governments to assist in financing projects that are developed, in general, to save and develop the state's water resources and mitigate natural resources damages that result from resource severance activities. A 10 percent reduction of oil and natural gas tax revenue will lead to a reduction in the funds available for grants in the 2013 biennium.

Appendix B
Funds Identified for Potential Fund Balance Sweep to General Fund

Fund #	Agency	Fund Name	Purpose	Revenue Source	Why on List?	Amount	Statute Change?
2201	DEQ	Air Quality Operating Fees	Cover reasonable costs relating to the issuance of an air quality permit and other permitting requirements	Fees for air permits and annual operations	Fees are set to match appropriation level. Fund balance grows when appropriations are not fully expended	1,500,000	Yes
2278	DEQ	MPDES Permit	Cover reasonable costs relating to the issuance of a water quality permit and other permitting requirements	Fees for discharge permits, late penalties	Revenues exceeded expenditures	500,000	Yes
2409	FWP	General License Account	Supports the operations of the fish and wildlife functions within the Department of Fish, Wildlife and Parks	Revenues generated from the sale of hunting, fishing and conservation licenses	Large Fund Balance	25,000,000	Yes
2431	DNRC	Water Adjudication	Funds set aside to cover the cost of water adjudication work in DNRC and the Water Court.	Previous general fund transfer.	Fund was established to cover the cost of completing adjudication. Large balance still exists	12,000,000	Yes
2432	DNRC	Oil and Gas	Supports the operations of the Montana Board of Oil and Gas	Oil and gas taxes collected for the privilege and license tax.	Revenues consistently exceed expenditures.	15,000,000	Yes
2472	DEQ	Orphan Share	Funds set aside to cover the "orphaned" portion of a multiple liable party project.	Portion of the oil and gas tax	Large fund balance as the number of orphan share claims has not materialized as projected.	8,000,000	Yes
2676	DEQ	Reclamation - OSM Trust				5,000,000	Yes
2694	DNRC	CBM Protection	Funds set aside to cover the claims of water damage from CBM development	Portion of the oil and gas tax	Expenditures were limited to fund interest earnings up to FY 2012 for emergency cases. Principal can be used after FY2012	8,500,000	Yes
2845	DEQ	Junk Vehicle	Control, collection, recycling and disposal of junk vehicles	License Fees, scrap revenues	Excess balance. Statute requires transfers to local government via a formula. More revenue has been collected than the formula requires.	2,000,000	Yes
2988	DEQ	Hard Rock Mining Reclamation	State costs of reclamation when the bond is insufficient and there is not the ability to get additional funds from the operator.	Metal Mines Taxes, Excess bonds	Fund has not been appropriated since FY 2003	5,000,000	Yes
2287	DOT	Aeronautical Grant Account	To provide grants to municipalities for airport development or improvement programs, and to provide navigational aids, safety improvements, weather reporting services, and other aeronautical services for airports and landing fields and for the state's airways	2 cents a gallon imposed on aviation fuel by 15-70-204(1)(a)	five year average grants equal \$352,000 with five year average revenue at \$377,000 and a balance that has grown from \$100,262 at the beginning of FY 2000 to \$619,654 at the end of FY 2009	200,000	Yes

2779	DOA	Montana Land Information	To develop a standardized, sustainable method to collect, maintain, and disseminate information in digital formats about the natural and artificial land characteristics of Montana. Money in the account may be used to purchase technology to assist in collecting, maintaining, or disseminating land information and to fund the budget for administering the land information duties of the Department of Administration.	\$7 per page fee for recording land transaction documents that convey an interest in real property	Fund balance due to delayed start up of the program that began in FY 2006 where revenues for the first two years grew fund balance while recent activity shows a balance between annual revenues and expenditures.	800,000	Yes
2577	DNRC	Natural Resource Projects Fund	To provide grants to local governments for natural resource projects that conserve, develop, protect, and reclaim the state's natural resources This is the account for which the Department of Commerce's share of the Lodging Facilities Use Tax are deposited. The fund is statutorily appropriated for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.	RIT interest earnings, Oil & Natural Gas Revenues, RIGWA Taxes	Fund balance due to increased oil and natural gas revenues. Per the February "Big Picture" report, O&G revenues are expected to be greater than stated in HJR 2. Amount is estimated per "Big Picture" increase of 22.5%.	541,000	No
2116	Commerce	Accommodation Tax Account	This is the account that houses the general fund that is transferred by statute in 15-35-108, MCA. The funding is statutorily appropriated to the Board of Research and Commercialization for the purpose of making grants and loans to certified research and commercialization centers in Montana.	4 percent Lodging Facilities Use Tax	A fund balance in excess of \$4 million has been carried in the fund for the past five fiscal years.	4,000,000	No
2557	Commerce	Research and Commercialization		A portion of the interest earnings from the Coal Severance Tax Permanent fund that are deposited in to the general fund are transferred to the SSR fund by statute.	The fund has been regularly maintaining a fund balance in excess of \$1.0 million	1,000,000	No

2258	DOLI	Employment Security Account	<p>This fund is for a variety of employment and training programs in the Unemployment Division and throughout the Department of Labor. The primary purpose for the creation of the fund and assessment applied to employers was to offset shrinking federal funds that support the administration of unemployment insurance programs.</p>	<p>The fund revenue is from an assessment collected from Montana employers as a component of the unemployment insurance tax. The rates depend on the employer type and experience rating.</p>	<p>The 2007 Legislature passed HB 790, modifying the rate of unemployment insurance tax collected from Montana employers. HB 790 decreases the State Unemployment Tax Assessment (SUTA) rate schedules by 0.25 percent, lowering the average tax rate from 1.37 to 1.12 percent. It increased the Employment Security Account (ESA) rates resulting in an average 30 percent increase in ESA revenues. The average excess fund balance (accounting for inflows and appropriations) in the account is about \$5.0 million.</p>	5,000,000	no
2455	DOLI	Workers' Compensation Regulation	<p>This fund is used for the administration of the Workers' Compensation Act at the Department of Labor and Industry</p>	<p>Assessment against the paid losses of employers covered by workers' comp. insurance as defined by 39-70-201, MCA</p>	<p>The fund has maintained an excess fund balance of over \$6.0 million for the past several years.</p>	6,000,000	no
2941	DOLI	Uninsured Employer Fund	<p>Pays disability and medical expenses of workers injured while employed by businesses without workers' compensation insurance coverage</p>	<p>Revenue to the fund is from fines against employers who are not covered by a workers' compensation insurance plan. Fines may include the total cost of all benefits paid by the program, up to twice the estimated premium cost that the employer should have paid, and any late fees and interest due on unpaid amounts.</p>	<p>For the last several years the program has collected revenue that is in excess of twice the total expenditures of the program. The fund balance has a compound annual growth rate of 34.72 percent. The current fund balance is \$13.7 million greater than the annual average expenditures for the program over the past five fiscal years.</p>	13,700,000	no

APPENDIX C

HOW TO READ THE REPORT

The following provides a guide for the various elements in each of the options.

Section Name – The subcommittee in which the function is funded

Agency Name – If the option impacts more than one agency this line will read “Statewide”

Program Name – If the option impacts more than one program or agency this line is blank

Time – The staff estimated time necessary to complete the option if any further work is required:

Low, medium, or high

Status – Whether the savings is on-going into future biennia or one-time-only (OTO)

FTE Impact – Whether any FTE would be reduced. This is a Yes or No trigger because FTE impacts can be very difficult to measure or predict

Mode – The stage the option is in. For the LFC meeting, this trigger is set at research for all options. If the LFC endorses any option this flag will be turned to “Endorse”

MCA – Whether the option requires a statutory change

Option – From a set group of types of options to describe the general type of option, such as “transfer fund balances” or “change source of funding”

Criteria – From a set group that indicates why this function, expenditure, or revenue was put on the list, such as “definition of success is nebulous or difficult to measure” or “program is duplicated elsewhere”

General Fund, State Special, Federal Special – The approximate impact on fund balance. For general fund and state special, if the option would have a positive impact on the fund balance this number is positive. For federal funds, if the state would lose federal funds as a result of the option this number is negative. For example, for an option that reduced Medicaid expenditures, the general fund would be positive but the federal funds would be negative due to the loss of matched federal funds.

Description of Option - The title given by the analyst to describe the option

Comments – An explanation of the option, including where needed a summary of what further work is necessary and how the fund balance is impacted. The comments will also briefly discuss any further work required before the options is considered completed and any statutory changes required.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Natural Resources & Transportation

Time : Low

Committee: EQC

Agency Name: Department Of Environmental Quality

Status : On-Going

FTE Impact : N

Program Name:

Mode : Research

MCA : 90-4-616

Option	General Fund	State Special	Federal Special
Program Eliminations/Modifications	\$3,724,800	(\$3,724,800)	\$0

Description of Option: Redirect Energy Savings of the State Building Energy Conservation Program

Criteria Name: Other

Summary of Issue

In the 2009 Legislative Session, the legislature redesigned the Department of Environmental Quality State Building Energy Conservation Program (SBCEP) to be funded similar to a revolving loan program. The funds used as start-up for the program were primarily federal grants obtained through the ARRA legislation for the purpose of making energy improvements to state buildings. Instead of directly funding the energy improvements, the program was redeveloped so estimated energy savings would be transferred to the program to provide a future funding source for the program.

Legislative options might include: 1) sweeping the funds into the general fund instead of to the program; or 2) allowing the agencies to realize the cost savings of the energy upgrades to reduce future space costs.

How the Fund Balance Would be Impacted

Either option mentioned above would provide a positive impact to the general fund, with an accompanying negative impact to the program state special fund. The impact of the options would provide either transfers from the agency to the general fund or savings to the general fund. The impact of the \$23 million of energy upgrades provided by the upgrade appropriated in the 2009 Legislative Session were estimated to last approximately 12.5 years.

Further Work Required

Further analysis would be required to determine the exact amount and schedule of the energy cost savings. Savings would begin to be realized as projects are completed. Under the rules of the ARRA funding, projects needed to be started within a specific period of time, however analysis would provide information on exactly when projects are expected to be complete.

Legislation Required

Statutes in Title 90, Chapter 4 would need to be amended.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Natural Resources & Transportation

Time : Medium

Committee: EQC

Agency Name: Department Of Environmental Quality

Status : On-Going

FTE Impact : Y

Program Name: Permitting & Compliance Div.

Mode : Research

MCA : various

Option	General Fund	State Special	Federal Special
Program Eliminations/Modifications	\$2,000,000	(\$15,000,000)	\$0

Description of Option: Return Primacy to the US EPA

Criteria Name: Service recipients have other options to get the service or one similar

Summary of Issue

The state has received primacy for environmental programs to operate on behalf of the federal EPA. This includes air quality, water quality, water protection, hazardous waste, and asbestos programs. Returning primacy would require the EPA to take back the lead on these activities.

How the Fund Balance Would be Impacted

General fund appropriated to subsidize these activities would no longer be needed. In addition, the state would no longer collect application fees, annual permit fees, and the like.

Further Work Required

As federal funds have declined, some of these programs have received general fund appropriations to support the activity. The return of primacy would result in general fund savings for these activities and for overhead charged within the department. Staff would need to examine the expenditures related to the operation of these activities, determine what it would take to return primacy and examine the potential change for any consequences to regulated industries.

Other Factors

If primacy was returned, guidance regarding these permit programs may need to be removed from statute.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Natural Resources & Transportation

Time : Low

Committee: EQC

Agency Name: Department Of Environmental Quality

Status : On-Going

FTE Impact : N

Program Name: Permitting & Compliance Div.

Mode : Research

MCA : 75-6-108

Option	General Fund	State Special	Federal Special
Support by Service Recipients/Eliminate GF Subsidy	\$1,200,000	(\$1,200,000)	

Description of Option: Increase Public Water Supply Connection Fees to Cover Oversight Costs

Criteria Name: Funding change over time to GF from other source

Summary of Issue

The public water supply connection fee has been \$2.00 for each service connection to a public water supply, with a a minnum charge of \$100 or \$50 for a transient non community water system. These rates have not been ajdusted since 1993. This connection fee is to implement the public drinking water supply program. Over time, the program has accessed other state special revenue sources to cover the costs to oversee the drinking water program. During the 2009 legislature \$1.2 million of general fund was approved to fund this program at a level acceptable to the US EPA.

How the Fund Balance Would be Impacted

If the public water supply connection fee was raised, general fund expenditures could be displaced. For every \$1.00 the fee is raised, \$220,000 is collected. If minimums were also adjusted an additional \$76,000 per year could be raised.

Further Work Required

Minimal. Some work with DEQ would be necessary to calculate the appropriate increase in the fees.

Other Factors

This fee is set in statute, 75-6-108, MCA would need to be changed.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Natural Resources & Transportation

Time : Medium

Committee: EQC

Agency Name: Dept Of Natural Resources & Conservation

Status : On-Going

FTE Impact : N

Program Name: Forestry/trust Lands

Mode : Research

MCA : 76-13-213

Option	General Fund	State Special	Federal Special
Support by Service Recipients/Eliminate GF Subsidy	\$2,000,000	(\$2,000,000)	\$0

Description of Option: Increase Fire Protection Fees Through Formula Adjustment

Criteria Name: Funding change over time to GF from other source

Summary of Issue

Owners of forested land within a DNRC direct protection zone currently pay 1/3rd of the fire protection program through a land parcel assesment, and general fund pays the other 2/3rd. A funding shift to 1/2 and 1/2 would shift \$2.0 million to the landowners, while a total funding shift would transfer \$7.0 million to landowners. This funding pays for the availability of trained, equipped personnel and resources. It does not pay for the actual cost to fight the fire.

How the Fund Balance Would be Impacted

If the landowner portion was increased, the need for general fund would decrease by the same amount.

Further Work Required

A determination in the per parcel fees to establish a different level of cost share would need to occur. DNRC does have a data base for this program.

Other Factors

The split between general fund and fees is clearly delineated in statute. This would need to be changed. In addition, this would be delayed income as these fees are attached to property taxes.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Natural Resources & Transportation

Time : Low

Committee: EQC

Agency Name: Dept Of Natural Resources & Conservation

Status : On-Going

FTE Impact : N

Program Name: Forestry/trust Lands

Mode : Research

MCA :

Option	General Fund	State Special	Federal Special
Support by Service Recipients/Eliminate GF Subsidy	\$0	\$0	\$0

Description of Option: Require Landowners in DNRC Direct Protection to Fund Fire Suppression Cost

Criteria Name: High cost of provision (with or without comparison to other programs)

Summary of Issue

Fire suppression costs are paid from a state special revenue fund that currently has a balance of \$26.4 million. This fund will either cover the costs of the FY2011 fire season, or some could be available for transfer to the general fund.

To reduce dependency on the general fund to cover wildland fire costs, property owners in DNRC direct protection could pay an annual fee to provide revenue to the fire suppression fund. An annual fee of \$100 per owner would generate \$5.8 million or per parcel would generate \$9.9 million.

Further Work Required

Statute would need to be developed to outline how the fee is imposed, collected, and held.

Other Factors

This funding would only be available with a statutory change and not received until FY 2012.

Legislative Fiscal Division

Legislative Budget Options

Section Name: Global Issue

Agency Name: Statewide Issue

Program Name:

Time : High

Status : On-Going

Mode : Research

Committee: EQC

FTE Impact : N

MCA :

Option	General Fund	State Special	Federal Special
Other	\$0	\$0	\$0

Description of Option: Evaluate Non-Trust Land Holdings for Divestiture

Criteria Name: Not subject to regular review

Summary of Issue

The state is one of the largest landowners in Montana. State land is divided between trust parcels that are held for beneficiaries and land that is held by other agencies for a specific or non-specific use. Initial review of these lands indicates the state holds lands for potential expansions for the university system, land for water projects, and lands that have been donated to a specific agency. All non-trust lands would be examined to determine if holding the land is the best possible option for the state or if it can be sold or reverted to the grantor.

How the Fund Balance Would be Impacted

The fund balance would be enhanced through the sale of land or by eliminating the need for land management. The funds generated from the sale could temporarily offset general fund currently funding some activities.

Further Work Required

DNRC holds the land inventory for all state agencies, except the Department of Transportation. An analysis of the lands held, the purpose for which they are held, and the ability to divest the property would have to occur.

Other Factors

Statutory changes regarding divestiture of state assets may be needed.